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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,102	05/07/2001	Melih Abdulhayoglu	148/260	3503

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/763,102

Applicant(s)

ABDULHAYOGLU, MELIH

Examiner

Arezoo Sherkat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 14-30 are presented for examination.

#### ***Claim Objections***

Claim 28 is objected to because of the following informalities: Incorrect Numbering of parent claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 16, 19, 20, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Blakley, III et al., (U.S. Patent No. 5,677,952 and Blakley hereinafter).

Regarding claims 14, 16, 29, and 30, Blakley discloses an access control device comprising means for receiving an input password, means for combining the input password with a pre-selected code thereby to produce a combined password, and means for decrypting encrypted code using the combined password (Col. 5, lines 20-67 and Col. 6, lines 1-65).

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Regarding claims 19 and 20, Blakley discloses a method of controlling access in which the password and the code are alphanumeric string (Col. 5, lines 1-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17-18, and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakley, III et al., (U.S. Patent No. 5,677,952 and Blakley hereinafter), in view of Borgelt et al., (U.S. Patent No. 5,398,285 and Borgelt hereinafter).

Regarding claims 15, 17, and 18, Blakley discloses using pseudorandom bit string to encrypt and decrypt data accesses to and from the sector.

Blakley does not expressly disclose an access control device in which the apparatus further comprises means for encrypting the combined password and the encrypted combined password is used for decryption.

However, Borgelt discloses an access control device in which the apparatus further comprises means for encrypting the combined password and

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the encrypted combined password is used for decryption (Col. 4, lines 5-67 and Col. 5, lines 1-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Blakley with the teachings of Borgelt because it would allow to include an access control device in which the apparatus further comprises means for encrypting the combined password and the encrypted combined password is used for decryption with the motivation to provide for greater protection, the password may be encrypted and loaded into communication device (Borgelt, Col. 1, lines 60-67).

Regarding claims 21 and 25, Blakley does not expressly disclose a method of controlling access in which the pre-stored access password comprises a pre-selected password combined with the predetermined code, which combination is encrypted.

However, Borgelt discloses a method of controlling access in which the pre-stored access password comprises a pre-selected password combined with the predetermined code, which combination is encrypted (Col. 4, lines 5-67 and Col. 5, lines 1-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Blakley with the teachings of Borgelt because it would allow to include a method of controlling access in which the pre-stored access password comprises a pre-selected password combined with the predetermined code, which combination is

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encrypted with the motivation to provide for greater protection, the password may be encrypted and loaded into communication device (Borgelt, Col. 1, lines 60-67).

Regarding claims 22 and 26, Blakley discloses a method of controlling access in which the combined pre-selected password is encrypted according to the encryption algorithm used for the combined password.

However, Borgelt discloses a method of controlling access in which the combined pre-selected password is encrypted according to the encryption algorithm used for the combined password (Col. 4, lines 5-67 and Col. 5, lines 1-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Blakley with the teachings of Borgelt because it would allow to include a method of controlling access in which the combined pre-selected password is encrypted according to the encryption algorithm used for the combined password with the motivation to provide for greater protection, the password may be encrypted and loaded into communication device (Borgelt, Col. 1, lines 60-67).

Regarding claims 23 and 27, Blakley discloses a method of controlling access in which the encryption is substantially unreversible (asymmetric).

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However, Borgelt discloses a method of controlling access in which the encryption is substantially unreversible (asymmetric)(Col. 2, lines 20-67 and Col. 3, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Blakley with the teachings of Borgelt because it would allow to include a method of controlling access in which the encryption is substantially unreversible (asymmetric)with the motivation to insure that a customer cannot use knowledge gained by analyzing a single communication device to create passwords for other communication devices (Borgelt, Col. 2, lines 55-67).

Regarding claims 24 and 28, Blakley does not expressly disclose a method of controlling access in which the encryption algorithm will be a public key algorithm.

However, Borgelt discloses a method of controlling access in which the encryption algorithm will be a public key algorithm (Col. 2, lines 20-67 and Col. 3, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Blakley with the teachings of Borgelt because it would allow to include a method of controlling access in which the encryption algorithm will be a public key algorithm with the motivation to insure that a customer cannot use knowledge gained by analyzing

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a single communication device to create passwords for other communication devices (Borgelt, Col. 2, lines 55-67).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eldridge et al., (U.S. Patent No. 5,787,169),

Sako et al., (U.S. Patent No. 6,134,201),

Morgan et al., (U.S. Patent No. 6,088,799), and

Hardy et al, (U.S. Patent No. 5,623,546).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (703) 305-8749. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 23, 2004

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